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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/405,787	09/27/1999	RUEY KAO	259732-TM-00	9926
8791	7590	09/21/2005	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			PEZZLO, JOHN	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/405,787

Applicant(s)

KAO ET AL.

Examiner

John Pezzlo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-31 is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-9, 12-14, 17-20, 32-34 and 37-40 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 10, 11, 15, 16, 21, 22, 35, 36, 41 and 42 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/2/03.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

I. Claims 1-3, 6-9, 12-14, 17-20, 32-34, and 37-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Kao et al. (US 6,535,513 B1) hereinafter Kao.

1. Regarding claims 1, 12, and 32 – Kao discloses means capable of receiving voice calls having TDM voice/fax, VoIP, VOATM and VOFR media types, said means for receiving a voice call having a first media type and a first signaling type corresponding to said first media type, means capable of converting voice calls to TDM voice/fax, VoIP, VOATM and VOFR media types, said means for converting said voice call to a second media type different than said first media type, means for relaying signaling associated with said voice call of said first signaling type to a second signaling type corresponding to said second media type, and means for forwarding said voice call having said second media type, refer to Figures 1, 2, and 6 and the

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abstract and column 2 lines 4 to 24 and Table 1 (column 4) and column 3 lines 60 to 67 and column 4 lines 1 to 11.

2. Regarding claims 2, 13, and 33 – Kao discloses said means for receiving a voice call includes means for receiving said voice call at a first interface of said switch apparatus, said first interface being one of a broadband interface and a narrowband interface, and wherein said means for forwarding said voice call includes means for forwarding said voice call at a second interface of said switch apparatus, said second interface being one of said broadband interface and said narrowband interface, refer to Figure 2, callout 210 – broadband interface, callouts 202 and 204 – narrowband interfaces, and Figure 6 – narrowband interface and column 3 and column 4 lines 1 to 30.

3. Regarding claims 3, 14, and 34 – Kao discloses means for associating said voice call with a quality of service requirement that is specific to said voice call, refer to the abstract and column 2 lines 4 to 24.

4. Regarding claims 6, 17, and 37 – Kao discloses means for switching packets associated with said voice call between said first interface and said second interface, refer to Figure 2 and column 3 and column 4 lines 1 to 30.

5. Regarding claims 7, 8, 18, 19, and 38, 39 – Kao discloses means for converting said voice call into said packets having an intermediate switching media type, wherein said

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intermediate switching media type is ATM cells, refer to Figure 2 (callout 208) and column 3 and column 4 lines 1 to 30.

6. Regarding claims 9, 20, and 40 – Kao discloses means for associating said voice call with a quality of service requirement, said means for switching packets associated with said voice call being adapted to switch said packets at a rate corresponding to said quality of service requirement, refer to the abstract and column 2 lines 4 to 24.

#### ***Allowable Subject Matter***

Claims 4, 5, 10, 11, 15, 16, 21, 22, 35, 36, 41 and 42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 23-31 are allowable over the prior art of record.

#### ***Response to Arguments***

Applicant's arguments filed 25 August 2005 have been fully considered but they are not persuasive.

Applicants argue on page 14 (claims 1, 12, and 32) of the response that Kao does not disclose means for relaying signaling associated with said call to a second signaling type. The

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examiner respectfully disagrees. The abstract and column 2 lines 4 to 24, state that the invention can perform any-to-any media type switching, therefore unless signaling was converted from one signaling type to the other signaling type the invention would not work. Furthermore, Table 1, column 4, states the use of RFC 1490 and RFC 1483 which describe how to convert signaling and data from one protocol to another and column 12 lines 10 to 30, disclose the use of ITU-I.432 and ITU-T G.804 for mapping DS1 or E1 transmissions across the ATM switch and column 13, lines 1 to 10, discloses that the DSP engine maps UDP and IP headers into voice/fax streams. The invention must perform signaling conversion from one signaling type to another signaling type across the ATM switch in order to provide the service.

Applicants argue on page 14 (claims 3, 14, and 35) of the response that Kao does not associate a voice call with a quality of service. The examiner respectfully disagrees. The abstract and column 2 lines 4 to 24 disclose that ATM cell switching is performed based on the quality of service for each virtual circuit, each virtual circuit is a voice call which is being routed through the ATM switch. As stated in the background of the invention, column 1 lines 51 to 54, "Such a switching apparatus should also be able to guarantee the quality of service for the different media types, e.g. voice, video, data". This invention is all about maintaining QoS for a call between different types of communications protocols.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (571) 272-3090. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C.

or faxed to:

(571) 273-8300

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For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Jefferson Building

500 Dulany Street

Alexandria, VA.

John Pezzlo

19 September 2005

A handwritten signature in black ink, appearing to read 'J. Pezzlo', with a stylized, cursive script.

**JOHN PEZZLO**  
**PRIMARY EXAMINER**